

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड-2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 5th August, 1966:—

I

BILL No. VII OF 1966

A Bill further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Companies (Amendment) Act, 1966.

1 of 1956.

2. In section 224 of the Companies Act, 1956, after sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the same auditor or auditors shall not be re-appointed for more than two consecutive terms.”

Short
title.
Amend-
ment of
section
224.

STATEMENT OF OBJECTS AND REASONS

Under section 224 of the Companies Act, 1956, an auditor is appointed for a specified period of time. There is, however, no limit on the term for re-appointment of the auditor. Consequently, the same auditor may be appointed for any number of terms. If such a practice is followed favouritism may creep in which may in its turn lead to improper audit. This can be eliminated to a large extent if an auditor is debarred from appointment for a period exceeding three years.

Hence this Bill.

ARJUN ARORA.

II

BILL NO. IV OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1966. Short title.
2. In the preamble of the Constitution, after the words "Sovereign Democratic" the word "Socialist" shall be inserted. Amendment of the preamble.
3. In article 393 of the Constitution, for the words "the Constitution of India", the words "the Constitution of the Sovereign Democratic Socialist Republic of India" shall be substituted. Amendment of article 393.

STATEMENT OF OBJECTS AND REASONS

The preamble of our Constitution firstly indicates the source from which the Constitution derives its authority, and, secondly it states the objects which are sought to be achieved through rule of law. As the establishment of a socialist society through the triumphs of democracy is our goal, it is necessary that the preamble to the Constitution should proclaim it, so that the object may be clear beyond all doubt. Hence the proposed amendments.

K. V. RAGHUNATHA REDDY.

III

BILL No. IX OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1966. Short title.

2. In article 101 of the Constitution, in clause (3),— Amendment of article 101.
 (i) in sub-clause (b), after the words “as the case may be,” the word “or” shall be inserted; and

(ii) after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(c) is appointed a member of the Council of Ministers in a State,”.

STATEMENT OF OBJECTS AND REASONS

Instances are not rare where a member, after being appointed a member of the Council of Ministers in a State, did not cease to attend the House of Parliament of which he had been a member at the time of such appointment. This constitutes a constitutional impropriety. The Bill seeks to remove this serious lacuna by providing that the seat of a member who is appointed a member of the Council of Ministers in any State shall become vacant on such appointment.

A. D. MANI

IV

BILL NO. VIII OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1966. Short title.

2. For article 358 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 358.

“358. While a Proclamation of Emergency is in operation, no law made by Parliament with respect to the defence of India or public order and expressed to be made on account of the emergency shall be deemed to be void on the ground that it

is inconsistent with, or takes away or abridges, any of the rights conferred by article 19, but any law so made shall to the extent of such incompetency cease to have effect as soon as the Proclamation ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect."

STATEMENT OF OBJECTS AND REASONS

The wording of article 358 has led to an interpretation that the citizen cannot rely on article 19 in respect of unreasonable restrictions imposed by any law including laws relating to private rights made not only by Parliament but also by Legislatures of States. It is necessary that the essential powers required for the defence of India or maintenance of public order during an emergency should be preserved without unduly affecting the rights of the people. This power should be vested only in Parliament and that too in respect of laws declared to be made on account of the emergency and limited to the duration of the emergency. Hence the amendment.

K. V. RAGHUNATHA REDDY.

B. N. BANERJEE,
Secretary.

RAJYA SABHA

CORRIGENDUM

THE RAILWAY PROPERTY (UNLAWFUL POSSESSION) BILL,
1966

(AS INTRODUCED IN THE RAJYA SABHA)

At page 6, line 4. for "1963-64" read "1962-63".

NEW DELHI;
the 10th August, 1966.

